UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,768	10/31/2001	Edward F. Miller	EVLDP001	3198

22434	7590	07/02/2004

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EXAMINER
HUYNH, BA

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/041,768	MILLER ET AL.
	Examiner	Art Unit
	Ba Huynh	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 4-7 are objected to because of the following informalities: The abbreviations

DLL and IE are undefined. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it

fails to point out what is included or excluded by the claim language. The claim recites "A

method, apparatus, system, graphical user interface or computer readable medium as shown or

described in this application". This claim is an omnibus type claim.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent

application 2003/0053420 (Duckett et al).

-       As for claims 1, 22: Duckett et al teach a computer implemented method and

        corresponding system for testing a web site by providing a network browser having a

capability to perform analysis and testing of web site residing on the Internet

(abstract; 0142, 0145, 0146).

- As for claim 2: Duckett et al disclose a test-enabled web browser, comprising:

standard browsing components (i.e., the browser);

testing components 102 (i.e., the testing applet, 0104, 0106, 0142, 0145), and

the browser includes a graphical user interface to provide user access to said standard

browsing components and said testing components (0119 - 0132, 0161 – 0172, 0177-

0179, 0191).

- As for claim 3: The test-enabled browser comprises at least one of a script record

component and a script playback component (0153 - 0157), a content validation

component (0191).

- As for claims 4, 5: It is inherently included in Duckett's teaching of Internet Explorer

that the standard browsing components comprises DLL components pertain to Internet

Explore (0146. Evidence support for the inherency reasoning can be found, at least, in

US patent #6,421,070, 2:15-65).

- As for claim 6: Duckett et al teach a computer implemented method and

corresponding program code means for testing of websites residing on the Internet

comprising:

first computer program code for performing test operations (i.e., the testing applet, 0104,

0106, 0142, 0145), and

second computer program code for performing DLLs of IE (inherently included in

Duckett's teaching of Internet Explorer),

wherein said first and second computer program code together implement a test-enabled web browser (abstract; 0142, 0145, 0146).

- As for claim 7: The first computer program code comprises computer program code for performing at least one of a script record component and a script playback component (0153 - 0157), a content validation component (0191).

- As for claim 8: Duckett et al teach a computer implemented method and corresponding means for testing websites, comprising:

(a) receiving a trigger (0110);

(b) performing test-based processing associated with the trigger (0109), and

(c) thereafter performing browser-based processing associated with the trigger (0116-0132).

- As for claim 9: The test-based processing enables the automated analysis and testing of websites (0116 - 0132).

- As for claim 10: Duckett et al teach a computer implemented method and corresponding means for testing a website residing on a network using a test-enabled browser, said method comprising:

(a) accessing a website to be tested using the test-enabled browser (abstract; 0142, 0145, 0146),

(b) selecting a test or evaluation to be performed (0109, 0194), and

(c) performing the test or evaluation using the test-enabled browser (0142, 0145, 0146).

- As for claim 11: The performing (c) of the test or evaluation comprises

extracting details of a web page using a Document Object Model pertaining to the web page (0136, 0139).

- As for claim 12: A method as recited in claim 11, wherein said method further comprises expressing the details of the web page in a recorded script language (0135 - 0136, 0152 - 0158).

- As for claim 13: A web page is displayed in a browser window for viewing (0161).

- As for claim 14: The performing (c) of the test or evaluation comprises recording a script pertaining to an interaction sequence with the web page (0119-0132, 0156, 0160-0172).

- As for claims 15, 16: The performing (c) of the test or evaluation comprises subsequently playing back the script to confirm content of the web page and/or perform validations (0153, 0109).

- As for claim 17: The performing (c) of the test or evaluation comprises determining download timings for at least the component parts of the web page (0119-121, 0208, 0210).

- As for claim 18: The performing (c) of the test or evaluation comprises inducing a load on the web server by concurrently playing multiple scripts (0153-0155, 0173).

- As for claim 19: The inducing launches a separate test-enabled browser for each of the scripts, and each of the test-enabled browsers plays a script (0153-0155).

- As for claim 20: A method as recited in claim 19, wherein all the test-enabled browsers play the same script (0153-0155).

- As for claim 21: All the test-enabled browsers are operating on a common computer being operatively connectable to the network (fig. 1).

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
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6/26/04